

AGENDA ITEM #11

January 14, 2005

*(Carried over from November 5,
2004 Agenda)*

To: Delta Protection Commission

From: Margit Aramburu, Executive Director

Subject: Recommendation of the Delta Land Use Impacts Committee on Review of
Proposed Projects in and adjacent to the Legal Delta
(For Commission Action)

BACKGROUND:

The Commission is charged with protection and enhancement of the land uses in the Primary Zone including recreation, agriculture and wildlife habitat.

In addition, in the current budget bill, the Commission has been asked to "identify changes and growth pressures within the Primary Zone, and lands within the Secondary Zone, the development of which impacts the resources of the Primary Zone."

The Commission's ongoing monitoring of proposed projects in the Primary Zone meets the first task. However, the Commission itself has not addressed or defined which projects in the Secondary Zone will impact the resources of the Primary Zone.

RECOMMENDATION OF THE DELTA LAND USE IMPACTS COMMITTEE:

The Committee was appointed in May and has met several times to assist staff in preparation of the following process for reviewing and commenting on proposed projects that could impact the resources and land uses of the Primary Zone.

1. The Committee recommends the Commission adopt the procedures described below.
2. The Committee recommends a Standing Committee be appointed that would meet quarterly to review the adopted process and provide guidance to staff, as appropriate.

PROPOSED PROJECTS IN THE PRIMARY ZONE:

For Major Projects, Projects in More than One County, and State and Federal Projects:

Examples (Includes, but not limited to):

- Subdivision in the Ag Zones

- Acquisitions of land in fee title by non-profits, special districts, State or federal agencies with the intent to change land use (i.e. from agriculture to habitat)
- Acquisitions of easements by non-profits, special districts, State or federal agencies with the intent to change land use (i.e. from agriculture to habitat)
- Designation of land as preserve, wildlife area, or refuge, with no change in land use
- Management Plans for preserves, wildlife areas, or refuges
- Proposals to Change Land Use
- General Plan Updates by Counties and Cities that include areas in or adjacent to the Primary Zone
- General Plan Amendment that would result in change of land use
- Redevelopment Plans
- Adoption of Habitat Conservation Plan (County or regional) or mitigation ordinance or plan
- Rezoning that would result in change of land use
- Adoption of ordinance affecting placement of wastewater or sewage sludge/biosolids
- Water intake or discharge facilities (including flood control channels) that serve industrial users, regions, or cities.
- Mitigation projects that require change of use (i.e. from agriculture to habitat)
- Construction of structures in the waterways that could impact recreation, including new marina, enlargement of existing marina, floating restaurant, or multiple berths approved in one application
- Regional pipeline NOT located within existing utility corridor, or that will result in loss of ag land or habitat.
- Modifications to existing wastewater treatment plant and/or disposal areas in the Primary Zone
- Incorporation of new city, or additions to city limits, sphere of influence, or planning area of existing city
- Enlargement of deepwater ship channels
- Regional flood control projects/plans
- Regional land use planning projects/plans
- Regional water quality standards or programs (SWRCB, CVRWQCB)
- New roadways/roadway improvements that impact Primary Zone traffic patterns
- Installation of roadway guardrails that impact recreation parking and movement of agricultural equipment
- Creation of new dredge disposal sites that result in change in land use
- Excavation of land/borrow area that would result in change in land use
- CALFED Bay-Delta Program Plans (Levees, ERP, Conveyance, WUE, Storage, etc)
- Adoption of COG Regional Transportation Plan that includes roads in the Primary Zone
- Pipelines built outside of existing utility corridors

RECOMMENDED ACTION:

- ***Staff to send standard letter noting that project is located in the Primary Zone and setting review by the Commission.***

[NOTE: For projects that could be appealed to the Commission, staff will consult with the Chair regarding Commission review]

- ***Add to Pending Projects Memo.***
- ***Projects reviewed by the Commission for Advisory Comments, and compliance with the goals of the Delta Protection Act and the policies of the Plan, plus compliance with amended CEQA checklist. Staff report will include brief description of the project (acres, General Plan designation, current zoning, adjacent waterways, reclamation district, soil category (prime, etc), current land use, current ownership, brief description of surrounding lands), site map and location map.***
- ***Project proponent and local government representative will be informed of Commission review and invited to attend to make brief statement and answer questions.***
- ***Staff report will include preliminary recommendation of conformance with policies of the Delta Land Use Plan.***

For Minor Projects:

Examples (includes but not limited to):

- Lot line adjustments
- Subdivisions of five parcels or less consistent with existing zoning
- Subdivision to create home site parcel, with restrictions attached to remainder of lands to ensure density maintained consistent with existing zoning
- Legalize parcels created by purchase of lands by State or federal agency
- Second unit mobile home (i.e. family member, or agricultural employee)
- Gas well
- Pipeline built in existing utility corridor
- Repair and maintenance of levee, intake, outfall, pumps
- Private dock adjacent to single family home
- Quarry permit that has no long term impact on land use
- Modifications to existing facilities within existing project boundaries or that do not result in a loss of ag land or habitat (i.e. renovation of land side marina facilities, RV park, renovation of duck club facilities)
- Pedestrian/bike trail on existing levee
- Bridge replacement
- Road maintenance or widening within existing ROW
- Adoption of Right to Farm Ordinance
- Maintenance dredging of existing channels or harbors with disposal in approved disposal site
- Winery or winery support facilities where allowed under zoning
- Packing sheds, equipment storage or repair, or other ag support industries where allowed under zoning
- Single family home on existing lot
- Habitat restoration within boundary of existing preserve, wildlife area, or refuge
- Williamson Act contract and contract modifications
- Signage

- Protection or creation of habitat in a waterway
- Aquaculture ponds
- Cell tower/antennae
- Remediation of groundwater contamination
- Recreation facility consistent with existing zoning (i.e. equestrian facility or hunting club in ag zone)
- Port support or water-oriented industrial uses within the Port boundaries
- Sand dredging from floor of Delta waterways
- Natural gas seismic surveys/natural gas exploration with no impact to land use

Recommendation:

- *Staff to send standard letter noting that project is located in the Primary Zone and requesting incorporation of conditions to reflect Delta Protection Act of 1992 and policies of the Land Use and Resources Management Plan of the Primary Zone of the Delta.*
- *Add to Pending Projects Memo.*

FOR PROJECTS IN THE SECONDARY ZONE:

Criteria for Delineating Projects in the Secondary Zone or Outside the Legal Delta that Could Impact the Resources of the Primary Zone:

The Delta Land Use Impacts Committee recommends:

Define the *Zone of Concern* as (1) anywhere in the Secondary Zone or Outside the Legal Delta that may impact the resources of the Primary Zones, and (2) in the Secondary Zone or Outside the Legal Delta within 1,000 feet of the boundary of the Primary Zone. The Commission should monitor and review projects within the Zone of Concern.

Define "concern" as land use changes, or proposed projects that could adversely impact Delta Primary Zone resources, or Delta Primary Zone land uses.

Delta resources are elements of the environment not created by humans including: surface and groundwater, air, land, fish and wildlife, soil, minerals (natural gas, sand), wetlands, scenic vistas, etc. Delta Primary Zone land uses include, but are not limited to, agriculture, wildlife habitat, and recreation.

Examples (Includes but not limited to):

- Projects or project characteristics that are identified in the *Recommendations* in *Land Use and Resource Management Plan for the Primary Zone of the Delta*, such as commercial or residential projects on waterways between the Primary and Secondary Zone

- Projects that would impact the resources of the Primary Zone as identified in the Checklist
- New marinas in the Secondary Zone that would use the waters of the Primary Zone
- Water diversion projects that would remove waters from the "Delta pool"
- Discharge projects that would send new or increased discharges in the waters of the Primary Zone that are heated or could contain pollutants
- Development projects that would result in new bridges or wider roads in the Primary Zone
- Regional plans such as transportation plans, flood control plans, etc. that impact Primary Zone resources

Large Scale Projects, Projects in More than One County, State and Federal Projects Located in the Zone of Concern in the Secondary Zone:

Examples (Includes but not limited to):

- Acquisitions of *land in fee title* by non-profits, special districts, State or federal agencies with the intent to change land use (i.e. from agriculture to habitat)
- Acquisitions of *easements* by non-profits, special districts, State or federal agencies with the intent to change land use (i.e. from agriculture to habitat)
- Designation of land as preserve, wildlife area, or refuge, with no change in land use
- Management Plans for preserves, wildlife areas, or refuges
- Proposals to change land use (i.e. from agriculture to water storage or conveyance)
- General Plan updates by Counties and Cities
- General Plan amendment that would result in change of land use
- Redevelopment Plans
- Adoption of Habitat Conservation Plan (County or regional) or mitigation ordinance or plan
- Rezoning that would result in change of land use
- Adoption of ordinance affecting placement of wastewater or sewage sludge/biosolids
- Water intake or discharge facilities (including flood control channels) that serve industrial users, regions, or cities.
- Mitigation projects that require change of use (i.e. from agriculture to habitat)
- Construction of structures in the waterways that could impact recreation, including new marina, enlargement of existing marina, floating restaurant, or multiple berths approved in one application
- Regional pipeline NOT located within existing utility corridor, or that will result in loss of ag land or habitat.
- Modifications to existing wastewater treatment plant and/or disposal areas
- Incorporation of new city, or additions to city limits, sphere of influence, or planning area of existing city
- Enlargement of deepwater ship channels
- Regional flood control projects/plans
- Regional land use planning projects/plans
- Regional water quality standards or programs (SWRCB, CVRWQCB)
- New roadways/roadway improvements that impact Primary Zone traffic patterns

- Installation of roadway guardrails that impact recreation parking and movement of agricultural equipment
- Creation of new dredge disposal sites that result in change in land use
- Excavation of land/borrow area that would result in change in land use
- CALFED Bay-Delta Program Plans (Levees, ERP, Conveyance, WUE, Storage, etc)
- Projects with extensive paved areas i.e. truck stop, commercial development with large parking lots, schools with large parking lots
- Recreation facilities that would bring large numbers of people adjacent to actively farmed areas, i.e. golf course, amusement park, etc.
- New Towns, or major residential subdivisions
- Adoption of COG Regional Transportation Plan

Recommendation:

- ***Staff to send standard letter noting that project is located in the Secondary Zone, is not subject to appeal to the Commission, and identifying possible impacts to Delta Primary Zone.***
- ***Add to Pending Projects Memo.***

Small Scale Projects located within the Zone of Concern in the Secondary Zone:

Examples (Includes but not limited to):

- Repair and maintenance of levee, intake, outfall, pumps
- Private dock adjacent to single family home
- Pedestrian/bike trail on existing levee
- Bridge replacement
- Maintenance dredging of existing channels or harbors with disposal in approved disposal site
- Habitat restoration within boundary of existing preserve, wildlife area, or refuge
- Protection or creation of habitat in a waterway

Recommendation:

- ***Staff to send standard letter noting that project is located in the Secondary Zone or outside the Legal Delta, is not subject to appeal to the Commission, and identifying possible impacts to Delta Primary Zone.***
- ***Add to Pending Projects Memo.***

Note: Recommend NO COMMENT on the following in the SECONDARY ZONE:

- Lot line adjustments
- Subdivisions consistent with existing zoning
- Subdivision to create home site parcel, with restrictions attached to remainder of lands to ensure density maintained consistent with existing zoning
- Legalize parcels created by purchase of lands by State or federal agency
- Second unit mobile home (i.e. family member, or agricultural employee)
- Gas well
- Pipeline built in existing utility corridor
- Quarry permit that has no long term impact on land use

- Modifications to existing facilities within existing project boundaries or that do not result in a loss of ag land or habitat (i.e. renovation of land side marina facilities)
- Road maintenance or widening within existing ROW
- Adoption of Right to Farm Ordinance
- Winery or winery support facilities where allowed under zoning
- Packing sheds, equipment storage or repair, or other ag support industries where allowed under zoning
- Single family home on existing lot
- Williamson Act contract
- Signage
- Aquaculture ponds
- Cell tower/antennae
- Remediation of groundwater contamination
- Recreation facility consistent with existing zoning (i.e. hunting club in ag zone)
- Port support or water-oriented industrial uses within the Port boundaries
- Sand dredging from floor of Delta waterways
- Natural gas seismic surveys/natural gas exploration with no impact to land use

DELTA LAND USE IMPACTS CHECKLIST
(based on the CEQA checklist):

I. AESTHETICS -- Would the project:

- a) Have a substantial adverse effect on a scenic vista?
- b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?
- c) Substantially degrade the existing visual character or quality of the site and its surroundings?
- d) Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?

II. AGRICULTURE RESOURCES: Would the project:

- a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?
- b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?
- c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?
- d) *Impact agriculture support industries?*

III. AIR QUALITY -- Would the project:

- a) Conflict with or obstruct implementation of the applicable air quality plan?
- b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?

- c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?
- d) Expose sensitive receptors to substantial pollutant concentrations?
- e) Create objectionable odors affecting a substantial number of people?

IV. BIOLOGICAL RESOURCES -- Would the project:

- a) Have a substantial adverse effect, either directly or through habitat modifications or disturbance, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?
- b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?
- c) Have a substantial adverse effect on federally protected wetlands (Section 404 of the Clean Water Act) (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?
- d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?
- e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?
- f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

V. CULTURAL RESOURCES -- Would the project:

- a) Cause a substantial adverse change in the significance of a historical resource (§ 15064.5)?
- b) Cause a substantial adverse change in the significance of an archaeological resource (§ 15064.5)?
- c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?
- d) Disturb any human remains, including those interred outside of formal cemeteries?

VI. GEOLOGY AND SOILS -- Would the project:

- a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:
 - i) Rupture of a known earthquake fault (Alquist-Priolo Earthquake Fault Zoning Map) or based on other substantial evidence of a known fault?
 - ii) Strong seismic ground shaking?
 - iii) Seismic-related ground failure, including liquefaction?
 - iv) Landslides?
- b) Result in substantial soil erosion or the loss of topsoil?

- c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?
- d) Be located on expansive soil (Table 18-1-B of the Uniform Building Code (1994)) creating substantial risks to life or property?
- e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?

VII. HAZARDS AND HAZARDOUS MATERIALS -- Would the project:

- a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?
- b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?
- c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?
- d) Be located on a site which is included on a list of hazardous materials sites and, as a result, would it create a significant hazard to the public or the environment?
- e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?
- f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?
- g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?
- h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

VIII. HYDROLOGY AND WATER QUALITY -- Would the project:

- a) Violate any water quality standards or waste discharge requirements?
- b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?
- c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?
- d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which could result in flooding on- or off-site?
- e) Create or contribute runoff water which would exceed the historic/design capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?

- f) Otherwise substantially degrade water quality?
- g) Place housing within a 100-year flood hazard area?
- h) Place within a 100-year flood hazard area structures that would impede or redirect flood flows?
- i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee?
- j) Inundation by seiche, tsunami, or mudflow?

IX. LAND USE AND PLANNING - Would the project:

- a) Physically divide an established community?
- b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?
- c) Conflict with any applicable habitat conservation plan or natural community conservation plan?

X. MINERAL RESOURCES -- Would the project:

- a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?
- c) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

XI. NOISE -- Would the project result in:

- a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?
- b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?
- c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?
- d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?
- e) For a project located within an airport land use plan or within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?
- f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

XII. POPULATION AND HOUSING -- Would the project:

- a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?
- b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?
- c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

XIII. PUBLIC SERVICES

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

- Fire protection?
- Police protection?
- Schools?
- Parks?
- Other public facilities?
- *Marine patrol?*

XIV. RECREATION

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?

XV. TRANSPORTATION/TRAFFIC -- Would the project:

a) Cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system?

b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?

c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?

d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

e) Result in inadequate emergency access?

f) Result in inadequate parking capacity?

g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?

XVI. UTILITIES AND SERVICE SYSTEMS -- Would the project:

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?

b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?

- e) Result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?
- f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?
- g) Comply with federal, state, and local statutes and regulations related to solid waste?

DRAFT LETTER for Projects in the Primary Zone, to be reviewed by the Commission.

I am writing regarding your proposed project to (description of project) located (location). This proposed project is located in the Primary Zone of the Delta. The Delta Protection Commission is a regional land use planning agency created by the Delta Protection Act of 1992. The Commission has adopted a regional land use plan that has been incorporated into the General Plans of the cities and Counties with lands in the Primary Zone. Certain actions taken by these local governments to approved projects can be appealed to the Delta Protection Commission.

Your proposed project meets the definition of "development" in the Public Resources Codes Section 29723 (a). "Development" means:

- on, in, over, or under land or water, the placement or erection of any solid material or structure;
- discharge of any dredged material or of any gaseous, liquid, solid, or thermal waste;
- grading, removing, dredging, mining, or extraction of any materials;
- change in the density or intensity of use of land, including but not limited to, subdivisions pursuant to the Subdivision Map Act...and any other division of land including lot splits, except where the land division is brought about in connection with the purchase of the land by a public agency for public recreational or fish and wildlife uses or preservation;
- construction, reconstruction, demolition, or alternation of the size of any structure, including any facility of any private, public, or municipal utility; and
- the removal or harvesting of major vegetation other than for agricultural purposes.

The Commission urges you to review the Delta Protection Act of 1992 and the policies in the Commission's adopted Land Use and Resource Management Plan of the Primary Zone available on the Commission's web site (see: www.delta.ca.gov).

The Commission proposes to review and provide comments on your proposed project at its public meeting of _____. The Commission's meetings are held at the Jean Harvie Community Center, 14275 River Road, Walnut Grove at 6:30 p.m. Staff will contact you to review its description of your proposed project to ensure for accuracy.

Staff will also be adding a brief description of your project to our Pending Project Memo and distributed to the Commission, interested parties, and posted on the Commission's website. Please keep staff apprised of the review process and any conditions that may be placed upon the proposed project.

We look forward to reviewing your project, please call Margit Aramburu, Executive Director at (916) 776-2290 if you have questions.

DRAFT LETTER For Projects in the Primary Zone, to be monitored by staff

I am writing regarding your proposed project to (description of project) located (location). This proposed project is located in the Primary Zone of the Delta. The Delta Protection Commission is a regional land use planning agency created by the Delta Protection Act of 1992. The Commission has adopted a regional land use plan that has been incorporated into the General Plans of the cities and Counties with lands in the Primary Zone. Certain actions taken by these local governments to approved projects can be appealed to the Delta Protection Commission.

However, your proposed project is exempted from the Commission's appeal authority because it does not meet the definition of development. Public Resources Codes Section 29723 (b) states that "Development" **does not include**:

1. All farming and ranching activities...
2. The maintenance, including the reconstruction of damaged parts, of structures, such as marinas, dikes, dams, levees, riprap...breakwater, causeways, bridges, ferries, bridge abutments, docks, berths, and boat sheds. "Maintenance" includes, for this purpose, the rehabilitation and reconstruction of levees to meet applicable standards of the United States Army Corps of Engineers or the Department of Water Resources.
3. The construction, repair, or maintenance of farm dwellings, buildings, stock ponds irrigation or drainage ditches, water wells, or siphons...
4. The construction or maintenance of farm roads, or temporary roads for moving farm equipment.
5. The dredging or discharging of dredged materials, including maintenance dredging or removal, as engaged in by any marina, port, or reclamation district, in conjunction with the normal scope of their customary operations, consistent with existing federal, State, and local laws.
6. The replacement or repair of pilings in marinas, ports, and diversion facilities.
7. Projects within port districts, including, but not limited to, projects for the movement, grading, and removal of bulk materials for the purpose of activities related to maritime commerce and navigation.
8. The planning, approval, construction, operation, maintenance, reconstruction, alternation, or removal by a state agency or local agency of any water supply facilities or mitigation or enhancement activities undertaken in connection therewith.
9. Construction, reconstruction, demolition and land divisions within existing zoning entitlements, and development within, or adjacent to, the unincorporated towns of the delta, as permitted in the Delta Area Community Plan of Sacramento County and the general plan of Yolo County, authorized prior to January 1, 1992.
10. Exploration or extraction of gas and hydrocarbons.
11. The planning, approval, construction, repair, replacement, alternation, reconstruction, operation, maintenance, or removal of oxidation and water treatment facilities owned by the City of Stockton or the City of Lodi, or facilities owned by any local agency within or adjacent to the unincorporated towns of the delta consistent with the general plan of the County of Sacramento or the County of Yolo as the case may be.

The Commission urges you to review the Delta Protection Act of 1992 and the policies in the Commission's adopted Land Use and Resource Management Plan of the Primary Zone (see: www.delta.ca.gov) and to the _____'s General Plan as it applies to lands located in the Primary Zone of the Delta. The County/City's General Plan has been reviewed by the Commission and deemed consistent with the Commission's Act and Plan.

Staff will be adding a brief description of your project to our Pending Project Memo and distributed to the Commission, interested parties, and posted on the Commission's website. Please keep staff apprised of the review process and any conditions that may be placed upon the proposed project.

Please call if you have questions regarding this letter.

DRAFT LETTER for Projects in the Secondary Zone, to be monitored by staff

I am writing regarding your proposed project to (description of project) located (location). The Delta Protection Commission is a regional land use planning agency created by the Delta Protection Act of 1992. The Commission has adopted a regional land use plan that has been incorporated into the General Plans of the cities and Counties with lands in the Primary Zone. Certain actions taken by these local governments to approved projects can be appealed to the Delta Protection Commission.

This proposed project is located in the Secondary Zone of the Delta and is therefore not subject to appeal to the Delta Protection Commission, so these are advisory comments only.

However, your proposed project may impact the resources of the Primary Zone as described below (see attached checklist):

Insert list of potential impacts here

The Commission urges you to review the Delta Protection Act of 1992 and the findings, policies, and recommendations in the Commission's adopted Land Use and Resource Management Plan for the Primary Zone of the Delta (see: www.delta.ca.gov).

Staff will also be adding a brief description of your project to our Pending Project Memo and distributed to the Commission, interested parties, and posted on the Commission's website. Please keep staff apprised of the review process and any conditions that may be placed upon the proposed project.

We look forward to reviewing your project, please call [(916) 776-2290] Margit Aramburu, Executive Director, if you have questions.

DRAFT LETTER for Projects in the Secondary Zone, to be reviewed by the Commission.

I am writing regarding your proposed project to (description of project) located (location). This proposed project is located in the Secondary Zone of the Delta and therefore not subject to appeal to the Delta Protection Commission, so these are advisory comments only. The Delta Protection Commission is a regional land use planning agency created by the Delta Protection Act of 1992. The Commission has adopted a regional land use plan that has been incorporated into the General Plans of the cities and Counties with lands in the Primary Zone. Certain actions taken by these local governments to approved projects can be appealed to the Delta Protection Commission.

However, your proposed project is a major project or a project that would have regional implications and may impact the resources of the Primary Zone as described below (see attached checklist):

Insert list of potential impacts here

The Commission urges you to review the Delta Protection Act of 1992 and the findings, policies, and recommendations in the Commission's adopted Land Use and Resource Management Plan for the Primary Zone of the Delta (see: www.delta.ca.gov).

The Commission proposes to review and provide comments on your proposed projects at its public meeting of _____. The Commission's meetings are held at the Jean Harvie Community Center, 14275 River Road, Walnut Grove at 6:30 p.m. Staff will contact you to review its description of your proposed project to ensure for accuracy.

Staff will also be adding a brief description of your project to our Pending Project Memo and distributed to the Commission, interested parties, and posted on the Commission's website. Please keep staff apprised of the review process and any conditions that may be placed upon the proposed project.

We look forward to reviewing your project, please call Margit Aramburu, Executive Director, at (916) 776-2290 if you have questions.